

Commercial



Advertiser.

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HONOLULU, HAWAII TERRITORY, WEDNESDAY, MARCH 12, 1902.

PRICE FIVE CENTS.

VERDICT ALMOST THE SAME

**Must Pay Honolulu
Plantation Sum
of \$102,523.**

**JURY AGREED IN
EARLY EVENING**

**Value of Leasehold is More Than
at First Trial But Improve-
ment is Less.**

The jury in the second trial of the case of the United States vs. the Honolulu Plantation Company returned a verdict at 10:30 o'clock last evening assessing the value of the leasehold and improvements at \$102,523.

The finding of the jury is about \$2500 less than that given at the first trial, which was \$105,000, and which Judge Estee set aside as excessive, ordering a reduction of \$30,000, which being refused by defendant, he allowed a new trial. Notice of motion for a new trial was given both by the plaintiff and defendant, though Mr. Milverton appearing for the latter stated that the defendant's motion would hardly be pressed.

The finding of the second jury is peculiar. Upon the first trial the value of the leasehold was estimated at \$89,792 and of the improvements at \$15,208. This jury places a value of \$5000 more upon the leasehold, or \$94,000, while its estimate of the value of the improvements is but \$8523, or about \$7000 less than that of the first jury. The estimate per acre upon the leasehold interest is approximately \$167, taking into account the entire 561 acres, arable and waste, while if the arable land alone is considered the estimate is \$276 per acre.

Judge Silliman opened the argument yesterday morning, and concluded at noon. Mr. Dunne finished shortly after 3 o'clock, and the jury was immediately instructed. At 7 o'clock no agreement having been reached Marshal Hendry took the jury to dinner at the Hawaiian Hotel. At 9:30 o'clock an agreement was announced, but it was over an hour before the attorneys could be brought into court. The jury was first called, and the verdict then handed to Clerk Maling, who read as follows:

United States of America, District of Hawaii.—In the District Court of the United States in and for the District of Hawaii.

The United States of America, Plaintiff and Petitioner, vs. the Honolulu Plantation Company, a Corporation, et al., Defendant and Respondent.

VERDICT.

We, the jury in the above entitled action, upon the issues framed in said action between the above named plaintiff and petitioner, and the Honolulu Plantation Company, a corporation, defendant and respondent above named, find the following verdict, to wit: 1. We find that the above named plaintiff and petitioner is entitled to have all the right, title, interest and estate of said Honolulu Plantation Company, a corporation, said defendant and respondent, in and to the tract and parcel of land involved herein, and hereinafter more particularly described, condemned for the uses and purposes set out in the petition on file herein, and to take, hold and acquire said tract and parcel of land and its appurtenances in fee simple absolute, for the public uses and purposes in said petition set out.

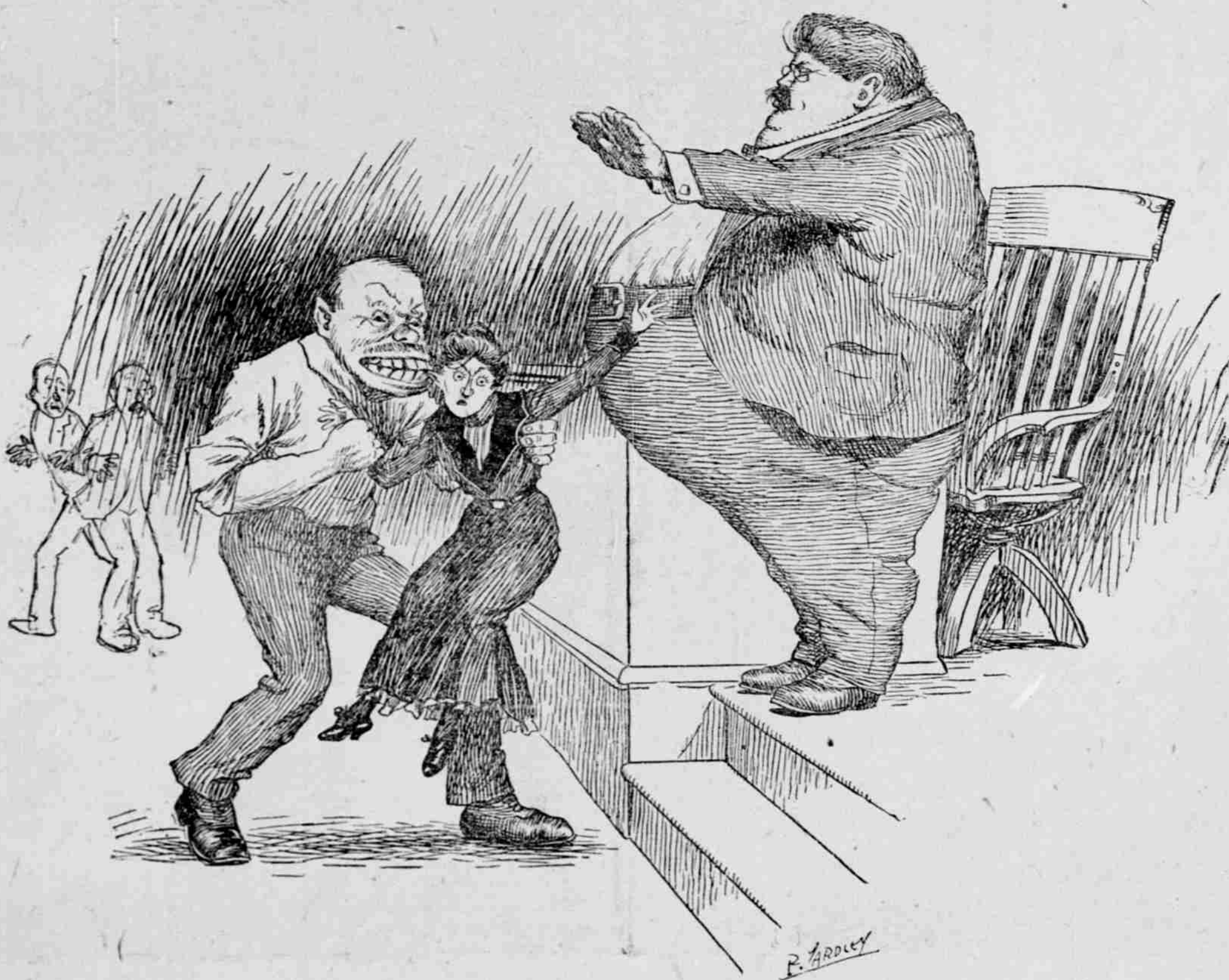
2. We find the value of all improvements upon the property condemned in the above entitled action to be \$8,523.

3. We find the value of the property condemned in the above entitled action, to wit, the leasehold interest of said defendant, said Honolulu Plantation Company, a corporation, in and to the tract and parcel of land condemned herein, and hereinafter more particularly described, to be \$94,000, in United States gold coin.

4. As to that part of the property condemned herein which constitutes only a portion of the larger tract, we find and assess the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned, and the construction of the improvements in the manner proposed by the above named plaintiff and petitioner, to be nothing.

5. As to that part of the property condemned herein which constitutes only a portion of a larger tract, we find and assess the benefits to the portion not sought to be condemned by the construction of the improvements

MORE JUDICIAL GOOD CHEER



Ble's You, McSwillegan, Bite Her Again.

KOHALA LAND CO. IS INCORPORATED

proposed by said plaintiff and petitioner, to be nothing.

The tract and parcel of land hereinabove in this verdict referred to is situated as follows, to wit:

In the District of Ewa, in and about the Harbor of Pearl Harbor, in the Island of Oahu, in the Territory and District of Hawaii, in the United States of America, and is bounded and particularly described as follows, to wit:

Beginning at a point on the mauka or east side of the right of way of the Oahu Land and Railway Company's railroad, east, magnetic, from the corner of that certain fish pond dam situate near the north end of Kuahua Island;

(1) Thence east magnetic 780 feet to a point;

(2) Thence south 22° 30' east magnetic 2,804 feet to a point;

(3) Thence south 47° 31½' west magnetic 3,333 feet to a point;

(4) Thence south 69° 04' west magnetic 6,370 feet to a point;

(5) Thence north 43° 42½' west magnetic 2,686.6 feet to a point on the shore line;

Thence following the shore line to the eastward and southward to the point where the railroad first meets the shore line, Ewa, or west, of Puuloa station; thence following the mauka or east side of said right of way of said railroad with all its tangents and curves to the point of beginning (saving and excepting the right of way of said railway situate and lying between where course 3, above noted, crosses said right of way, and where the shore line crosses said right of way about 700 feet northward of course 3, which section of right of way is not included in this tract); containing 561.2 acres, more or less.

Dated Honolulu, Hawaii, March 11, 1902.

A. BARNES,
Foreman of said Jury.

Mr. Dunne rose immediately and on behalf of the government, noted exceptions on the ground that the verdict was excessive, and contrary to the evidence and instructions of the court. He gave notice of intention to file a motion for new trial. Mr. E. W. Milverton, on behalf of the Honolulu Plantation Company, also excepted to the verdict, but stated that he did so to preserve the rights of the defendant until Manager Low had been communicated with. He believed, however, that the verdict was entirely satisfactory, and that the motion for a new trial would not be made.

Judge Estee then thanked the jury-men for their earnest and careful attention and excused them for the term. The fine of \$3.31 imposed upon one of the jurors for being late was remitted.

THE EARLY PROCEEDINGS.

Upon the opening of court and of Judge Silliman's argument to the jury, there was a scene not down on the program. Mr. Dunne, on the day previous, had occupied his time chiefly with a denunciation of the plantation men who had testified for the defendant, and Mr. Silliman, when it came to his turn, replied in kind. He said that the United States was not building the naval station for the benefit of Hawaii, but for its own good, and for the

Articles of Incorporation of the Kohala Land Company were filed with Treasurer Wright yesterday. The capital stock of the corporation is but \$10,000, but power is given to increase to \$5,000,000. The objects of the corporation are stated as follows:

1. To buy, sell, lease, mortgage, loan on mortgage of lands or interests in lands, and in every other manner deal in lands, in the Hawaiian Islands, but more particularly, and until the business and interests of the corporation shall otherwise require, in the district of Kohala, on the Island of Hawaii.

2. To acquire and deal in water rights and interests pertaining thereto, and to construct and maintain waterworks and all pipes, waterways, machinery and other things incident thereto, and to buy and sell water for irrigation and all other purposes.

3. To engage in forestry work in all branches and departments thereof, either upon its own lands or on the lands of others.

4. To engage in and perform all manner of agricultural work, and to buy and sell agricultural products, and the same to convert into manufactured products of agriculture.

5. To buy, sell, lease, own, hold, maintain and operate such mills, manufacturing, machinery, carts and other vehicles, roads, railroads, trains, houses, stores, warehouses and other buildings and structures as may from time to time be necessary or convenient in conducting its business, and to make or construct such containers and other appliances as may from time to time require.

6. To buy, sell and deal in goods, wares, and merchandise, and if deemed useful to the purposes of the corporation, to own and conduct one or more stores for the sale of such articles, as well as to deal in its own products.

The capital stock shall be ten thousand dollars, divided into shares of ten dollars each, with the privilege of subsequent extension to five million dollars.

The corporate powers are vested in five directors, which for the first year are: J. B. Atherton, M. P. Robinson, A. N. Campbell, C. H. Atherton and P. L. Weaver. J. B. Atherton is president, C. H. Atherton secretary, and A. N. Campbell treasurer of the corporation. The stock is held as follows: Wm. R. Castle, 994 shares; Joseph B. Atherton, one share; Chas. H. Atherton, one share; Albert N. Campbell, one share; Philip J. Weaver Jr., one share; Mark P. Robinson, one share; Benjamin D. Bond, one share.

One of the promoters of the company stated yesterday that the new corporation had nothing to do with any Kohala ditch scheme.

SCHOOL TEACHERS RETIRING FUND

Plans are on to ask the next legislature for a fund to be known as the "Hawaiian Teachers' Retirement Fund." The matter was brought before the meeting of the Honolulu branch of the Territorial Teachers' Association, held last night at the High School. Reports have been received as to the manner in which such funds are started and maintained in Massachusetts and California. The fund is for teachers who may realize from it when they become disabled, ill or incapacitated. The plan was outlined at the meeting by Prof. Law on a blackboard as follows: The fund to be controlled by a board of trustees, consisting of the Superintendent and Secretary of the Board of Education, ex-officio members, and six teachers. The Territorial Treasurer is to have charge of all moneys. The funds are to be obtained from a deduction of \$20 annually from members' salaries, grants from the legislature, donations, legacies, interest, etc.

The membership is open to all teachers and others drawing regular salaries from the Education Department, provided they contribute \$20 yearly for 30 years, or \$600, or a part of \$600 at any time. A member retired or incapacitated may draw from the fund in any amount proportionate to the sum paid in. Those who retire from the profession shall be allowed to withdraw the amount they shall have paid in.

Prof. Law endorsed the proposition heartily. He said that in Boston contributions to the fund were compulsory. There the teachers paid in \$18 a year, and in San Francisco the annual dues were \$15. In Boston only half the amount paid in could be withdrawn if a teacher retired from the profession. In San Francisco a series of concerts to add the fund had brought in \$15,000 additional.

Dr. Rodgers, secretary of the Board of Education, favored the organization of such a fund. He thought the government should pension all teachers who had spent the best part of their lives in the training of children. There were some here who had taught for 30 years. There were 270 teachers in the Islands, and they were not all paid the best of salaries. The greater number did not have much of an opportunity to keep a deposit in the banks, and a fund of this nature would be an advantage. Miss Felker, principal of Kaimanawa School, favored the establishment of the fund. There were philanthropists in Hawaii whom she thought would willingly contribute toward it.

The regular program for the evening consisted of singing by the pupils of Kaimanawa school, and a violin solo by Miss Iola Barber, both of which were heartily applauded. Dr. Arthur

Maxson Smith read a paper on the Psychology of Vocations, and Prof. Law read one on School Discipline, prepared by Rev. Alexander Mackintosh, the latter being too ill to be present.

The Mule Kicked.

An amusing scene was witnessed yesterday on Kewalo street, in which a Japanese and a mule were the principal actors. The mule was attached to a dump-cart loaded with dirt. The animal refused to budge when the Japanese wanted him to start, and the latter belabored the brute, the only response being a lowering of the ears, and an evil gleam appearing in the mule's eyes. The Japanese finally reached the mule's head in his essay at corporal punishment. There was just one blow when something happened. The mule woke up, gave a leap and jumped clean out of his harness, leaving the cart unbalanced. The latter tipped over backwards, spilling the load and the driver upon the street. The author of the trouble ran for a short distance and then stopped and faced about. Persons who witnessed the affair state that the mule wore a broad, malicious grin as he viewed the wreckage.

New Liberal Party.

LONDON, Feb. 28.—Lord Rosebery has sanctioned the formation of a Liberal League, of which he himself is president, and Mr. H. Asquith, Sir Henry Fowler and Sir Edward Grey are vice presidents. The principle of the league is co-operation with the Liberal party on the lines of the Chesterfield policy. It is thought that this is not a seceding party.

Damon Will Be Referee.

S. E. Damon has been chosen referee of the Saturday polo match for the benefit of the McKinley memorial fund. The teams are practicing each afternoon, and if the game comes up to standard shown at some of the late practice games there will be fine sport for the crowds which are assured for the game. Tickets have been placed on sale, and there will be a supply at all the leading stores.

Admiral Kempff Goes Home.

Rear Admiral Louis Kempff, who for two years past has been junior squadron commander in the far East, is a passenger in the Peking for the States. Admiral Kempff will retire soon, and will be on furlough until that time. His successor at Manila will be Admiral Robley D. Evans, who will go out from New York by way of the Suez canal.

Baseball League Formed.

The 1902 baseball league is formed. C. F. Chillingworth is president, and Lorrin Andrews, secretary and treasurer.

COLLIER PROVIDES NEW CLUE

**Fresh Sensation
In the Harbor
Mystery.**

**GARVIN MISSING
FROM ALEXANDER**

**Is Said to Have Left Ship With
Considerable Money Over
a Week Ago.**

Late last night a new and apparently important clue developed in the case of the unknown white man found floating in the harbor last Sunday morning, and for the time being the center of interest in the mystery switches from the white transport Warren to the grimy navy collier Alexander, lying parallel with the troopship at Navy wharf No. 1.

It was brought to the notice of an Advertiser reporter last night that there was a good deal of talk going on among the sailors of the Alexander with reference to the alleged disappearance of one of the crew. The man who gave the information stated that last Sunday week one of the crew was paid off and left the collier in company with one of the ship's officers. He is reported to have taken a considerable sum of money away with him, and is said not to have been seen or heard of since. The person volunteering the information stated that it did not occur to him to connect the dead body of the man found floating in the harbor with the missing member of the crew until he read in the papers that there was a star tattooed on the back of his left hand. In conclusion he advised the reporter to interview First Assistant Engineer Bosc of the Alexander, whom, he said might be able to shed some light on the subject.

About midnight an Advertiser reporter was despatched to the Alexander to seek out Mr. Bosc and probe him on the subject. The first assistant engineer had retired, but courteously arose when he was notified of his visitor. At first he said that as far as he could recollect there was no man missing among the crew. He remarked that he had heard of a body being found in the harbor, but stated that he knew nothing of the details of the affair, as he had been too busy to read the papers.

After a while, however, he refreshed his memory and said that a week or so ago a man had been discharged named Garvin, who had shipped at Valparaiso and come from there to Honolulu via Norfolk, Va. He was known among the crew as "Cyclone," and some called him "Honolulu," on account of his having told his shipmates that his home was here. Since he left the ship the officer, as far as he could remember, had not seen him again. Mr. Bosc wanted to know if the man had been buried, and seemed somewhat anxious at this point. He said that the discharged member of the crew had done washing for him on the voyage, and that he was of medium height, chunkily built and with a Roman nose. The color of his hair he could not remember, nor could he state whether he had a tattoo mark on his hand. Mr. Bosc regretted that the mates were not around, as he thought that they might be able to furnish further information as to "Cyclone" Garvin.

The police have been put in possession of the above facts, and Deputy Sheriff Chillingworth will visit the Alexander the first thing this morning. The collier is scheduled to sail at 4 p. m. today, and the transport Warren at noon, so that every minute will have to be utilized if the mystery is to be cleared up before one or perhaps both of the vessels depart bearing with them the secret of the unknown man's death.

The Alexander theory seems to connect with the statement made by Walter Perry of the Warren that early last Thursday morning he saw men acting suspiciously and heard

(Continued on Page 4.)

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